IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.658 OF 2006

Mr.Kalpanath Jaynath Yadav .. Appellant.
Vs.
State of Maharashtra .. Respondent.

Mr.M.K.Kocharekar for the appellant.
Mrs.M.M.Deshmukh A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 9TH AUGUST, 2006

P.C.:

. Heard Mr.Kocharekar, learned counsel for the appellant and Mrs.Deshmukh, learned A.P.P. for the State.

2. Admit. By consent of the parties taken up for final hearing.

3. This appeal is directed against the judgment and order dated 20.4.2006 by which the appellant/original accused no.2 has been found guilty of the offence punishable under section 324 of I.P.C. He has been sentenced to suffer R.I. for one month and also to pay fine of Rs.500/- and in default to suffer S.I. for ten days. Mr.Kocharekar, learned counsel for the appellant submits that the appellant

has already undergone 22 days imprisonment so far out of the total imprisonment of one month awarded by the impugned judgment. He further submits that he has instructions not to press this appeal on merits and the appellant will be satisfied if the sentence is reduced to the period undergone by the appellant. Mrs.Deshmukh, learned A.P.P. did not seriously oppose the submission made by Mr.Kocharekar. I perused the impugned judgment. Keeping that in view and considering the overall facts and circumstances of the case I am satisfied that the following shall meet the ends of justice:

(a) The appeal is partly allowed.

(b) The order of conviction is maintained. The sentence awarded by the impugned judgment stands reduced to undergone. The appellant/accused may be set at liberty forthwith if not required in any other case.

. With these observations the appeal is disposed of.

(D.B.Bhosale, J.)